REMARKS

The application has been reviewed in light of the Office Action dated December 14, 2005. Claims 1-6 are pending. By this Amendment, claims 3 and 5 have been amended to place the claims in better form for examination and to clarify the claimed invention. Accordingly, claims 1-6 are presented for reconsideration, with claims 1 and 3-6 being in independent form.

Claim 3 was rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

By this Amendment, claim 3 has been amended to clarify the claimed invention.

Withdrawal of the rejection under 35 U.S.C. §101 is requested.

Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

In response, the claim has been carefully reviewed and amended with particular attention to the points raised in the Office Action.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is requested.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as purportedly obvious over U.S. Patent No. 6,115,141 to Kim et al. in view of U.S. Patent Application Publication No. 2002/0126321 (Trachtman).

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 1 and 3-6 are patentable over the cited art, for at least the following reasons.

This application relates to a communication apparatus (such as a facsimile apparatus, multi-function machine, programmed computer, etc.) for receiving image data and accompanying communication information and transmitting the received data to a server apparatus via a network. Conventional apparatuses having such a capability only have a limited storage allocated

for storing the received image data and accompanying communication information before they are transmitted to the server. However, in some instances, the communication apparatus cannot establish a communication channel with the server or communications proceeds at a slow rate due to conditions of the communication channel, and the storage of the communication apparatus overflows and additional communications cannot be received by the communication apparatus.

This application provides improvements which allow a communication apparatus to continue to receive additional communications even when a preceding received communication has not successfully been transmitted to the server.

For example, independent claim 1 is directed to a communication apparatus comprising receiving means, primary storage means, secondary storage means, forwarding means, network communication means and retransmitting means. The primary storage means temporarily stores image data and communication information received through the receiving means, and is adapted for high-speed forwarding. The secondary storage means has a storage capacity greater than that of the primary storage means. The forwarding means converts the image data to a standard format and forwards the standard format image data together with the communication information. The network communication means is connected to a server apparatus via a network for transmitting the standard format image data together with the communication information to the server apparatus. The retransmitting means is operable in case of a failure of transmission.

In addition, the retransmitting means saves the image data and communication information stored in the primary storage means in the secondary storage means, deletes the image data from the primary storage means, converts the saved image data into a standard format, retransmits the standard format image data together with the communication information to the

server apparatus and repeats retransmission in case of a failure of the preceding retransmission. Each of independent claims 1 and 3-6 addresses these features, as well as additional features.

Kim, as understood by Applicant, is directed to a facsimile apparatus configured to retransmit a received facsimile message to subscribers. The facsimile apparatus proposed by Kim includes a first memory and a second memory. The first memory stores the facsimile message received from a calling facsimile through a telephone line, additional information for the facsimile message, and a selection number for selecting the received facsimile. The second memory stores facsimile numbers for subscribers to which the received facsimile is to be re-transmitted. At the user's request, the facsimile dials the facsimile numbers stored in the second memory to re-transmit the received facsimile message stored in the first memory to the subscribers through the telephone line.

As acknowledged in the Office Action, Kim fails to teach or suggest repeating retransmission in case of failure of a preceding retransmission.

In addition, Kim fails to teach several other features of the claimed invention, including (a) the primary storage means is adapted for high-speed forwarding, (b) the secondary storage means has a storage capacity greater than that of the primary storage means, (c) the forwarding means converts the image data to a standard format, (d) the network communication means is connected to a server apparatus via a network for transmitting the standard format image data together with the communication information to the server apparatus, and (e) the retransmitting means is operable in case of a failure of transmission.

Kim does not disclose or suggest that the memory the primary storage means is or should be adapted for high-speed forwarding. Indeed, since received facsimiles are retransmitted by the facsimile apparatus of Kim, Kim does not provide motivation for a storage means adapted for

high-speed forwarding.

The purpose of the buffer 26 of Kim (which the Office Action analogizes to a secondary storage) is merely to temporarily store the single message being retransmitted to the subscribers, and is no larger than the primary storage.

The decoder 30 of Kim (which the Office Action analogizes to a forwarding means) merely converts the digital facsimile message into bit map image data which is hardly the "standard format image data" provided by the claimed invention.

The CPU 10 of Kim is of course internal to the facsimile machine and manages the operations of the machine. Since the CPU 10 of Kim must manage the operations of the facsimile machine, it certainly does not have the resources to perform the functions of a server. In addition, the CPU 10 of Kim is of course not connected to the facsimile machine through a network.

Further, although the facsimile machine of Kim includes a retransmission key which the user must depress to trigger retransmission, there is no teaching or suggestion in Kim of retransmitting means operable in case of a failure of transmission.

Trachtman, as understood by Applicant, is directed to a store-and-forward image communications system. Trachtman was cited in the Office Action as purportedly proposing performing a number of retries of a facsimile transmission.

Applicant does not find disclosure or suggestion in the cited art, however, of a communication apparatus comprising receiving means, primary storage means, secondary storage means, forwarding means, network communication means and retransmitting means, wherein the primary storage means is adapted for high-speed forwarding, the secondary storage means has a storage capacity greater than that of the primary storage means, the forwarding means converts

the image data to a standard format, the network communication means is connected to a server apparatus via a network for transmitting the standard format image data together with the communication information to the server apparatus, and the retransmitting means is operable in case of a failure of transmission, as provided by the claimed invention of claim 1.

Independent claims 3-6 are patentably distinct from the cited art for at least similar reasons.

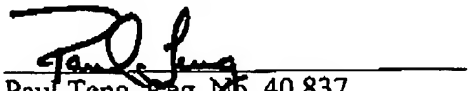
Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1 and 3-6, and the claims depending therefrom, are patentable over the cited art.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400